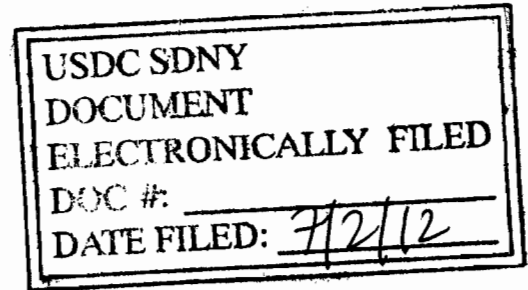


Jones, T



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL B. GRAVES,

Plaintiff,

- against -

DEUTSCHE BANK SECURITIES INC.,

Defendant.
----- X

07 Civ. 5471 (BSJ)

**STIPULATION AND ORDER TO
EXTEND TIME TO FILE
RESPONSES TO MOTIONS FOR
SUMMARY JUDGMENT**

IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED by and between counsel for Plaintiff Daniel B. Graves (hereinafter referred to as "Plaintiff") and counsel for Defendant Deutsche Bank Securities Inc. (hereinafter referred to as "Defendant") that the briefing schedule set forth in the December 22, 2011 Stipulation and Order ("December 22, 2011 Order"), and amended in the January 31, 2012 Stipulation and Order, Doc. # 131 ("January 31, 2012 Order"), and further amended in the June 22, 2012 Stipulation and Order, Doc. # 155 ("June 22, 2012 Order"), be postponed as set forth below.

The December 22, 2011 Order set forth the following briefing schedule:

Deadline for filing summary judgment motions.....February 7, 2012

Deadline for filing opposition briefs.....March 7, 2012

Deadline for filing reply briefs.....March 20, 2012

The January 31, 2012 Order amended this schedule as follows:

Deadline for filing summary judgment motions.....May 24, 2012

Deadline for filing opposition briefs.....June 25, 2012

Deadline for filing reply briefs.....July 2, 2012

The June 22, 2012 Order amended schedule proposed by the parties is as follows:

Deadline for filing opposition briefs.....July 2, 2012

Deadline for filing reply briefs.....July 19, 2012

Plaintiff requests, with Defendant's consent, that in lieu of the above schedule, the dates
be changed as follows:

Deadline for filing opposition briefs.....July 9, 2012

Deadline for filing reply briefs.....July 30, 2012

Plaintiff requests this amended schedule for opposition briefs and reply briefs because the storm that swept over the Washington., D.C. area Friday night, June 29, knocked out power to the main servers and back-up servers of Plaintiff's Electronically Stored Information ("ESI") provider, blocking access to both the ESI produced by Defendant and the ESI produced by Plaintiff. Plaintiff needs access to this ESI in order to prepare a full and adequate response to Defendant's Motion for Summary Judgment. Local news stories state that 1.5 million households, and a correspondingly large number of businesses are without power. The undersigned Plaintiff's counsel, Richard T. Seymour, has power at his home and office, but received a telephonic message from the local utility on Saturday, June 30, saying that it expected to take until Friday, July 6, to restore all service. This morning's news stated that it expected to restore service to the majority of customers by Friday evening, July 6.

The expanded period for reply briefs takes into account defense counsel's previously established vacation plans.

The parties submit that good cause has been shown for the extension, and for the timing of this request, in accordance with Paragraph 1(D) of this Court's Individual Practices.


Dated: July 2, 2012

LAW OFFICE OF RICHARD T. SEYMOUR,
P.L.L.C.

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Attorneys for Plaintiff

IT IS SO ORDERED.

Dated: New York, New York
July 2, 2012


Hon. Barbara S. Jones, U.S.D.J.

7-2-12 ~